

REMARKS

Status of the Claims

Claims 1, 3-6, 8, and 17-30 are pending.

Claims 1, 6, 22 and 27 are amended.

Claims 19-21 are allowed. Claims 3, 8, and 23 are “objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form...” See page 4 of the Office Action.

Issues Under 35 U.S.C. § 103

Claims 1, 4-6, 17, 18, 22 and 24-30 are rejected under 35 U.S.C. § 103 as allegedly being obvious over Lopez-Berenstein et al. (US ‘167) in view of US Patent No. 4,902,789 to Michel et al. (US ‘789), or US Patent No. 4,308,375 to Tang (US ‘375). This rejection is respectfully traversed. Reconsideration and withdrawal thereof are requested. However, in view of the above amendment, this rejection is moot.

These references are discussed extensively in the Record, and Applicants respectfully maintain that there are many deficiencies when comparing these references to the present invention. For example, the primary reference, Lopez-Berenstein patent fails to even address amphotericin B purity. The first secondary reference, Michel et al., includes a purification method, but the one selected is a four-solvent method that does not remove other polyenes, etc.

Finally, the second secondary reference, Tang, describes a process of decontamination, not purification. Thus, Applicants have maintained that the prior art of record does not accomplish the present invention.

However, as stated above, claims 19-21 are allowed. The allowed claims include compositions that are at least 96% w/w of an amphotericin B compound. The present claims are amended to include similar language. Based on the disposition of the pending claims in the current Office Action, and based on previous discussions with the Examiner, it is believed that the above amendment places the application in condition for allowance.

Accordingly, withdrawal of the final, remaining rejection is believed to be in order and such action is earnestly requested.

Entry of the Amendment

Applicants submit that this amendment presents no new issues that would require further searching or that raised new issues for the Examiner to consider. Additionally, the Amendment places all the claims in condition for allowance.

Accordingly, Applicants respectfully request that this amendment be entered.

Petition for Extension of Time

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one-month extension of time for filing a response to the outstanding Office Action. Payment for the

extension of time fee is being submitted with the electronic filing of this response.

The Office is authorized to charge any deficiency or credit any overpayment associated with the filing of this application to Deposit Account 50-2752.

Finally, please contact the undersigned if there are any questions regarding this Amendment or the application in general.

Respectfully submitted,



Richard S. Myers, Jr.
Registration No. 42,022
STITES & HARBISON, PLLC
401 Commerce Street, Suite 800
Nashville, TN 37219
(615) 244-5200
ATTORNEY FOR APPLICANT